

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-14768 - APPLICANT/OWNER: VITALY SCHERBO**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (4-2/gt/se-1/rt vote) and staff recommend DENIAL.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-11-98) and Site Development Plan Review (SDR-13796) shall be required.
2. If approved, the applicant must provide two additional handicapped parking spaces as required by the City of Las Vegas Building Code.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is a request for a Variance to allow 54 parking spaces where 113 spaces are required on 1.39 acres at 3250 North Bronco Street.

**EXECUTIVE SUMMARY**

This application for a Variance for parking accompanies a Site Development Plan Review (SDR-13796) for a proposed 10,542 square foot addition to an existing 12,000 square foot commercial building currently utilized as a gymnastics facility. The proposed addition is located at the rear of the existing building and is elevated eight feet over the surface parking lot as not to take the existing parking spaces away. A total of 54 parking spaces are provided on the site where 113 are required. The applicant does not propose additional parking to accommodate the increase in building square footage; therefore denial is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 04/27/98      The City Council approved a Rezoning (Z-11-98) of property located on the east side of Bronco Street, north of Cheyenne Avenue, From: U (Undeveloped) zone [SC (Service Commercial) General Plan Designation, To: C-1 (Limited Commercial), proposed use: 12,000 square foot gymnastics facility
- 08/10/06      The Planning Commission recommended denial of companion item SDR-13796 concurrently with this application.
- 08/10/06      The Planning Commission voted 4-2/gt/se-1/rt to recommend DENIAL (PC Agenda Item #56/eb).

***B) Pre-Application Meeting***

- 05/10/06      A pre-application meeting was held and elements of a Site Development Plan Review were discussed. It was determined after the application was submitted that a parking variance is also required in conjunction with the Site Development Review. The pre-application meeting for the Site Development Plan Review will fulfill the meeting requirement.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 1.16

***B) Existing Land Use***

Subject Property: Gymnastic School  
North: Single Family Residences  
South: Office  
East: Self-Storage  
West: Vacant/

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
North: RE (Rural Estates)  
South: SC (Service Commercial)  
East: SC (Service Commercial)  
West: RE (Rural Estates)

***D) Existing Zoning***

Subject Property: C-1 (Limited Commercial)  
North: Clark County  
South: C-1 (Limited Commercial)  
East: U(SC) under Resolution of Intent to C-1 (Limited Commercial)  
West: Clark County

***E) General Plan Compliance***

The subject property is shown on the Northwest Sector Land Use Plan of the General Plan. The Plan designates the future land use for this property as SC (Service Commercial). The property is zoned C-1 (Limited Commercial), which is a zoning permitted in the Service Commercial land use designation. There are no specific General Plan policies directly related to this Variance request.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Airport Overlay District**

The subject property is located within the North Las Vegas Airport Overlay District with a height restriction of 175'. The proposed addition does not encroach into the restricted air space.

**ANALYSIS**

**A) Zoning Code Compliance**

**A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	122 Feet	Y
Min. Setbacks			
• Front	20 Feet	75 Feet	Y
• Side	10 Feet	22 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	20 Feet	68 Feet	Y
Max. Lot Coverage	50 %	37%	Y
Max. Building Height	NA	36 Feet	Y
Trash Enclosure	50 Feet from residentially zoned property	85 Feet from residentially zoned property	Y

The proposed addition meets the Development Standards of Title 19.08.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Community Recreational Facility, Country Club	22,542 SF.	1 space/ 200 square feet GFA	113 Spaces	5 of the total required spaces	54 Spaces	3 of the total provided spaces

Due to the proposed addition of gross floor area of the existing gymnastics facility and no proposed addition to the parking area, a Variance for parking is needed. The subject deviation is 52%.

The Department of Public works states that they support present City Code parking requirements; therefore cannot support the Variance request for property located at 3250 Bronco Street to allow 54 parking spaces where 113 spaces are the minimum allowed in conjunction with an existing gymnastics school.

***B) General Analysis and Discussion***

The accompanying Site Development Plan Review (SDR-13796) with this application indicates a proposed 10,542 square foot addition to an existing 12,000 square foot commercial building currently utilized as a gymnastics facility. The proposed addition is located at the rear of the existing building and is elevated eight feet over the surface parking lot as not to take the existing parking spaces away. A total of 54 parking spaces are provided on the site where 113 are required. The applicant does not propose additional parking to accommodate the increase in building square footage.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not proposing additional parking with the proposed building addition. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

#### **PLANNING COMMISSION ACTION**

There were four speakers in opposition at the Planning Commission meeting.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 165 by City Clerk

**APPROVALS** 0

**PROTESTS** 0